



## Senate

General Assembly

**File No. 38**

*January Session, 2001*

Substitute Senate Bill No. 1107

*Senate, March 9, 2001*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT CONCERNING ACCELERATED REHABILITATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Subsection (c) of section 54-56e of the general statutes is repealed  
2 and the following is substituted in lieu thereof:

3 (c) This section shall not be applicable: (1) To any person charged  
4 with a class A [or] felony, a class B felony, except a violation of section  
5 53a-122 that does not involve the use, attempted use or threatened use  
6 of physical force against another person, or a violation of section  
7 14-227a, subdivision (2) of subsection (a) of section 53-21, section  
8 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b,  
9 (2) to any person charged with a crime or motor vehicle violation who,  
10 as a result of the commission of such crime or motor vehicle violation,  
11 causes the death of another person, (3) to any person accused of a  
12 family violence crime as defined in section 46b-38a who (A) is eligible  
13 for the pretrial family violence education program established under  
14 section 46b-38c, or (B) has previously had the pretrial family violence

15 education program invoked in such person's behalf, (4) to any person  
16 charged with a violation of section 21a-267 or 21a-279 who (A) is  
17 eligible for the pretrial drug education program established under  
18 section 54-56i, or (B) has previously had the pretrial drug education  
19 program invoked in such person's behalf, or (5) unless good cause is  
20 shown, to any person charged with a class C felony.

**JUD**      **JOINT FAVORABLE SUBST.**

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Significant Savings

**Affected Agencies:** Various Criminal Justice Agencies

**Municipal Impact:** None

**Explanation****State Impact:**

The bill would result in savings to various criminal justice agencies, but primarily to the Department of Correction. The bill allows those accused of larceny in the first degree to be sentenced to probation rather than incarceration. There were 924 offenses of larceny in the first degree in FY 00 and an average of 142 people incarcerated for that offense at any point in calendar year 2000. Almost all of those incarcerated for this offense received a sentence of incarceration greater than one year.

The number of these offenses that did not involve the use or threatened use of physical force is uncertain. However, it is anticipated that even a small change in the number of those incarcerated could result in significant savings. The average annual cost of incarceration is about \$26,000.

**OLR Bill Analysis**

sSB 1107

**AN ACT CONCERNING ACCELERATED REHABILITATION.****SUMMARY:**

The bill permits a court to grant accelerated rehabilitation to people accused of larceny in the first degree as long as the crime did not involve the use or threat of physical force. This offense is a class B felony punishable with a prison term of up to 20 years, a fine of up to \$10,000, or both. Under current law, people accused of a class B felony are not eligible.

EFFECTIVE DATE: October 1, 2001

**BACKGROUND*****Larceny in the First Degree***

A person commits this offense when he commits larceny and: (1) the property or service is obtained by extortion, (2) the value of the property exceeds \$10,000, (3) the property consists of a motor vehicle worth more than \$10,000, or (4) the property is obtained by defrauding a government agency and is worth more than \$2,000. A person commits larceny when, with intent to deprive another of property or to appropriate it to himself or a third person, he wrongfully takes, obtains, or withholds such property from an owner.

***Accelerated Rehabilitation***

Accelerated rehabilitation (AR) is a pretrial diversion program for people accused of crimes "not of a serious nature" and motor vehicle violations. People accused of class A and B felonies are not eligible. People accused of a class C felony are only eligible for "good cause."

The program is also unavailable to people who: (1) were previously convicted of a crime or certain motor vehicle violations, (2) are eligible

for the pretrial drug education program or previously participated in it, or (3) are accused of a family violence offense and eligible for the pretrial family violence education program or previously participated in it.

Another condition of granting AR is that the court believes the defendant will probably not offend again. And, the defendant must notify the crime victim on a court-approved form, by registered or certified mail that he is applying for AR, and the victim must have an opportunity to give his opinion as to whether the court should grant it. Otherwise, the court has complete discretion in deciding whether to place someone in the program.

AR participants waive their rights to a speedy trial. The court places them under the supervision of the Office of Adult Probation for up to two years. If a participant successfully completes the program, the court must dismiss the charges against him and erase his record. If the participant violates a program condition, he must be brought to trial on the original charge.

## **COMMITTEE ACTION**

### Judiciary Committee

Joint Favorable Substitute

Yea 37      Nay 0